

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

MICHIGAN SPILL RESPONSE d/b/a	)	
METRO TOWING, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No:
	)	
HL MOTOR GROUP, INC., et al.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant, HL Motor Group, Inc. (“Highlight”), by its attorneys Lewis Brisbois Bisgaard & Smith LLP, pursuant to 28 U.S.C. §§ 1332(a) and 1441(b), hereby removes this action from the 7<sup>th</sup> Judicial Circuit Court for Genessee County, Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division. As grounds for this removal, defendant states as follows:

1. On November 17, 2023, plaintiff filed a Complaint in the 7<sup>th</sup> Judicial Circuit Court for Genessee County, Michigan, entitled *Michigan Spill Response d/b/a Metro Towing, LLC v. HL Motor Group, Inc. et al.*, Case Number 2023-119958-CB. (See Exhibit 1).

2. Plaintiff generally avers that it fuel clean-up services to Highlight, and sustained damages resulting from Highlight’s breach of a contract for failing to pay for those services. (*Id.*).

3. Plaintiff further avers wrongdoing on behalf of all defendants and that it sustained damages of and prayed for “\$92,884.95 together with all attorney’s fees, costs, interest, and other relief as allowed by law and or equity.” (*Id.* at p. 19).

4. Plaintiff avers that it “is a Michigan Corporation whose principal place of business is in Flint, Michigan.” (*Id.* at ¶1).

5. As set forth on the Michigan Department of Licensing and Regulatory Affairs website, Plaintiff, Metro Towing, LLC, is a Michigan Domestic Limited Liability Company owned by Nicholas Verhey, who resides in Waterford, Michigan. (See Exhibit 2).

6. For purposes of determining diversity jurisdiction, Plaintiff, Metro Towing, LLC, is a citizen of Michigan.

7. Highlight is organized and existing under the laws of the Province of Ontario, Canada. (See Exhibit 1 at ¶2 and Exhibit 3 at ¶¶3-4).

8. For purposes of determining diversity jurisdiction, Highlight is a citizen of Ontario, Canada.

9. Plaintiff avers that Defendant, Old Republic General Insurance Group of Canada, Inc., “is a corporation who, upon information and belief, is incorporated in Hamilton, Ontario, and has its principal place of business in Hamilton, Ontario.” (See Exhibit 1 at ¶3).

10. Plaintiff avers that Defendant, Old Republic General Insurance Group of The United States, “is a corporation who, upon information and belief, is incorporated in the state of Delaware, has its principal places of business in Chicago, Illinois.” (*Id.* at ¶4).

11. Plaintiff avers that Defendant, Gallagher Bassett, “is a corporation who, upon information and belief, is incorporated in the state of Illinois, and has its principal place of business in Downers Grove, Illinois.” (*Id.* at ¶5).

12. Plaintiff avers that Defendant, Custard Insurance Adjusters, “is a corporation who, upon information and belief, is incorporated in the state of Georgia, and has its principal place of business in Peachtree Corners, Georgia.” (*Id.* at ¶6).

13. Here, there is complete diversity between plaintiff and defendants and the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1441(b).

14. By reason of the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). There is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of costs. Removal of the state court action to this Court is therefore appropriate under 28 U.S.C. § 1441(b).

15. Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal was filed within thirty days after receipt by defendant, through service or otherwise, of a copy of the pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. Moreover, this Notice of Removal was filed within one year after commencement of the action.

16. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, defendant is serving a copy of this Notice of Removal upon plaintiff and filing a copy with the Clerk of the 7<sup>th</sup> Judicial Circuit Court for Genessee County, Michigan.

17. Defendant reserves the right to supplement this Notice of Removal and/or to present additional arguments in support of its entitlement to removal.

18. Removal is hereby effected without waiver of any challenges that defendant may have to personal jurisdiction, venue or service of process. Further, no admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved.

WHEREFORE, Defendant, HL Motor Group, Inc., hereby gives notice of the removal of the above-referenced action now pending in the 7<sup>th</sup> Judicial Circuit Court for Genessee County, Michigan, to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

HL Motor Group, Inc.,

By: /s/ Michael T. Franz  
One of Defendant's Attorneys

Michael T. Franz, P84079  
Lewis Brisbois Bisgaard & Smith LLP  
550 West Adams Street  
Suite 300  
Chicago, Illinois 60661  
(312) 463-3329  
Michael.Franz@lewisbrisbois.com

Date: December 11, 2023

*Attorneys for Defendant*

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